IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.551 OF 2005
IN
REVIEW PETITION NO.20 OF 2005
IN
NOTICE OF MOTION NO.608 OF 2004
IN
SUIT NO.432 OF 2004

M.D. Choksey Construction Co.Pvt. Limited .. Appellant.

V/s.

Mohamed Husain Merchant .. Respondent.

Mr.Mahendra Ghelani with Mr.Anuj Narula i/b. J. Narula & Asso. for the appellant.

Mr.A.Y. Bookwala i/b. Ranjit & Co. for the respondent.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 6TH JULY, 2005.

P.C. :

Heard Mr.Mahendra Ghelani, the learned counsel for the appellant.

2. The appeal is directed against the order dated June 10, 2005 whereby the learned Single Judge rejected the review petition, as not maintenable.

3. Order 47 Rule 7, C.P.C. bars the remedy of appeal from an order rejecting the review application.

4. Mr.Mahendra Ghelani, the learned counsel for the appellant submits that where the Court rejects the review application on merits, the appeal may not be maintenable under Order 47 Rule 7, C.P.C. but from an order by the learned Single Judge rejecting the review application as not maintenable, the appeal is was maintenable.

5. We are unable to accept the submission of the learned counsel for the appellant. Order 47 Rule 7, C.P.C. in unmistakable terms says that an order of the court rejecting the review application shall not be appealable. The rejection of the review application whether on merits or otherwise is not amenable to appellate jurisdiction.

6. The appeal is, accordingly, dismissed in limine, as not maintenable.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)